

## EDUCATION DEPARTMENT[281]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 43, “Pupil Transportation,” Iowa Administrative Code.

Upon routine review of the provisions of Chapter 43, agency staff discovered a few rules that were not previously amended to conform to statutory changes. Accordingly, Items 1 through 3 conform to 2003 Iowa Acts, chapter 180, section 52, which no longer requires a school district to obtain separate body and chassis bids; Items 4 and 5 more accurately state contract law; and Item 6 conforms to the Smokefree Air Act of 2008 (Iowa Code chapter 142D).

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before September 14, 2010, at 4:30 p.m. Comments on the proposed amendments should be directed to Carol Greta, Office of the Director, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8661; E-mail [carol.greta@iowa.gov](mailto:carol.greta@iowa.gov); or fax (515)281-4122.

These amendments are intended to implement Iowa Code chapter 285.

The following amendments are proposed.

ITEM 1. Rescind and reserve subrule **43.25(1)**.

ITEM 2. Amend subrule 43.25(2) as follows:

**43.25(2)** Notify ~~body and chassis~~ dealers of intent to purchase school transportation equipment and request bids.

ITEM 3. Amend subrule 43.25(7) as follows:

**43.25(7)** Sign ~~separate~~ contracts or orders for purchase of ~~body and chassis~~ school transportation equipment. ~~Purchase~~ The purchase agreement must provide that the dealer will deliver equipment which will pass initial state inspection at no further cost to the school and further provide that the school board shall withhold at least \$150 until the vehicle passes initial state inspection.

ITEM 4. Amend subrule 43.34(16) as follows:

**43.34(16)** ~~The Immoral conduct or the~~ use of alcoholic beverages ~~or immoral conduct~~ by the contractor or driver employed by the contractor shall ~~automatically cancel this contract~~ result in appropriate sanctions as provided in Iowa Code section 321.375.

ITEM 5. Rescind subrule **43.34(19)**.

ITEM 6. Amend rule 281—43.38(285) as follows:

#### **281—43.38(285) Driver restrictions.**

**43.38(1)** The driver of a school bus shall not smoke ~~when there are passengers on the bus~~ on any school property.

**43.38(2)** and **43.38(3)** No change.

**43.38(4)** The driver shall ensure that aisles and exits are not blocked.

ITEM 7. Amend **281—Chapter 43**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~section 285.4~~ chapter 285.